

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Kristyn Graham

v.

Civil No. 07-cv-295-PB

Warden, New Hampshire State
Prison for Women, et al.

REPORT AND RECOMMENDATION

Plaintiff moves for a preliminary injunction seeking an order requiring that she be provided copying services for court filings. She also seeks an appointed attorney. Her underlying claim essentially deals with alleged inadequate medical care.

Background

Plaintiff alleges that the legal data base (Lexis Nexis) does not have a printer so she can copy cases for the court. She also claims that the prison has not promptly disbursed money for legal copying, stamps, envelopes and paper which has created a hardship.

I recommend that the motion be denied. A denial of access claim requires plaintiff to show two things: (1) the denial of an adequate library or legal assistance; and (2) an actual injurious hindrance to her claims. See Bounds v. Smith, 430 U.S. 817, 828 (1977); Lewis v. Casey, 518 U.S. 343, 351 (1996). As defense counsel has ably shown, plaintiff has not alleged any injury and

the motion is therefore, fatally flawed. She is not entitled to appointed counsel. Accordingly, I recommend that the motion be denied.

Any objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Comm. v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: March 4, 2008

cc: Kristyn Graham, pro se
James William Kennedy, Esq.